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July 12, 2022

**VIA ECF**

**MEMO ENDORSED**

Hon. Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District Of New York  
40 Foley Square, Room 2103  
New York, New York 10007

Re: Hamza Ghaznavi, Individually And On Behalf Of All Others Similarly Situated, v.  
De'Longhi America, Inc.  
Case No.: 22-CV-01871 (KFP)  
F & H Ref.: RVP/TEH/1044.602373

Dear Judge Failla:

We represent Defendant De'Longhi America, Inc. ("De'Longhi") in connection with the above class action proceeding. Your Order dated May 13, 2022 (ECF No. 13) granted the requests of all parties for the Plaintiff to serve his First Amended Class Action Complaint on or before June 13, 2022, De'Longhi to answer, appear, or otherwise move with respect to the Plaintiff's First Amended Class Action Complaint on or before July 13, 2022, and discovery to be stayed pending the outcome of De'Longhi's anticipated Motion To Dismiss. The Order also rescheduled the Initial Pre-Trial Conference to July 20, 2022 at 10:00 a.m.

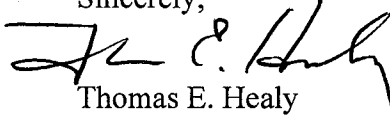
On June 13, 2022, counsel for the Plaintiff filed the Plaintiff's Amended Class Action Complaint [ECF No. 15]. On July 12, 2022, we filed our letter (ECF No. 16) requesting a Pre-Motion Conference for De'Longhi to seek permission to file a Motion To Dismiss the Amended Class Action Complaint in its entirety, pursuant to Fed. R. Civ. P. 8, 9(b), and 12(b), and to stay discovery pending the outcome of the dispositive Motion. We contacted counsel for the Plaintiff before filing our letter and he indicated that he would be consenting to our request for a Pre-Motion Conference and noted that discovery was already stayed pending the resolution of the Motion To Dismiss, but he would be opposing the grounds for our proposed Motion To Dismiss on or before July 15, 2022.

Given the filing of our Pre-Motion letter and your Order dated May 13, 2022, we are writing, with the consent of counsel for the Plaintiff, to respectfully request that the Court adjourn the Case Management Conference to a time shortly following the resolution of the pleadings/Motion To Dismiss, because the parties have agreed to stay discovery in the meantime, and we do not yet have a briefing schedule for the proposed Motion To Dismiss so it is difficult to set any meaningful deadlines. This is De'Longhi's third request for an extension and the parties' second request on consent for an extension in this proceeding.

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Thank you for your kind consideration of this request.

Sincerely,



Thomas E. Healy

TEH:dg

cc: Julian C. Diamond, Esq. (Via ECF)  
Neal Deckant, Esq. (Via Electronic Mail)

The Court is in receipt of Defendant's July 12, 2022 pre-motion letter (Dkt. #16) and its above letter requesting an adjournment of the initial pretrial conference in this matter. For the reasons stated above, the Court hereby CONVERTS the initial pretrial conference to a pre-motion conference. Plaintiff is directed to file a responsive pre-motion letter, not to exceed three pages, on or before **July 15, 2022**. The parties shall be prepared to discuss Defendant's anticipated motion at the pre-motion conference.

The Clerk of Court is directed to terminate the motions at docket entires 16 and 17.

Dated: July 13, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE